

## **PUBLIC DEFENSE DEPARTMENT[601]**

### **CHAPTER 1 FORMS FOR MILITARY PROCESS**

1.1(29B) Forms

### **CHAPTER 2 PUBLIC RECORDS AND FAIR INFORMATION PRACTICES (Uniform Rules)**

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CHAPTER 1
FORMS FOR MILITARY PROCESS
[Prior to 8/21/91, Public Defense Department[650] Ch 1]
[Prior to 12/1/21, see Military Division[611] Ch 1]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

601—1.1(29B) Forms. The following forms are prescribed by the adjutant general of Iowa pursuant to the provisions of Iowa Code chapter 29B and shall be used by all military courts in the issuance of all process, including writs and warrants necessary and proper to carry into full effect the powers vested in such courts. Such process may be directed to appropriate military personnel, the sheriff of any county or any other peace officer of the state. It shall be the duty of all persons to whom such process may be so directed to execute the same and make return of their acts thereunder according to the requirements of the same.

The keepers and wardens of all city or county jails and of all other jails, penitentiaries or prisons, designated by the governor or the adjutant general of the state, shall receive the bodies of persons committed by such process of a military court and confine them in the manner provided by law for civilian offenders.

1.1(1) Form of warrant of arrest.

STATE OF IOWA—NATIONAL GUARD

WARRANT FOR ARREST OF DEFENDANT

(Summary—Special—General) Court-Martial. . . . . No. . . . .

To: . . . . . having
(Military Official, Sheriff or Peace Officer)

disobeyed an order in writing from the convening authority of the above Court to appear before said Court, a copy of the said charge or charges having been delivered to the accused with such order, you are therefore, in accordance with Iowa Code chapter 29B, commanded to arrest . . . . . and bring that person forthwith before this Court, or hold that person for said Court by delivering that person into the custody of the Sheriff of . . . . . County.

The said . . . . . has been charged with

. . . . .
(President—Summary Court Officer)

RETURN

Received the within Warrant the . . . . . day of . . . . ., 19 . . . . .,
at . . . . . and executed by . . . . .
at . . . . . on . . . . ., 19 . . . . .

1.1(2) Form of judgment and commitment.

STATE OF IOWA—NATIONAL GUARD

JUDGMENT AND COMMITMENT

STATE OF IOWA. . . . . Court Martial No . . . . .
vs

On this . . . . . day of . . . . ., 19 . . . . ., the defendant herein was tried by . . . . . Court-Martial on the charge of . . . . .
and the Court has entered a finding of guilty (and the defendant has pleaded guilty of such charge).

It is adjudged that the defendant is hereby committed to the custody of . . . . . for imprisonment for a period of . . . . .

The . . . . .

(Summary Court-Martial) (Special Court-Martial) (General Court-Martial)  
 convened at ..... imposed a sentence upon said defendant by fining  
 that person the sum of \$ ..... and the defendant is in default on the payment of said  
 fine, and it is therefore adjudged that defendant for the said default be hereby committed to the custody  
 of ..... for a period of .....

Therefore, under the provisions of Iowa Code chapter 29B, you are hereby directed to take  
 into custody the person of the said ..... and confine that person  
 to the ..... (County or City) Jail of .....  
 County, therein to be confined in accordance with the sentence aforesaid and for so doing this shall be  
 sufficient warrant.

I, ..... (Summary Court Officer) (President) certify that the  
 above judgment is a true and correct copy of the record thereof.  
 .....

RETURN

I have executed the within judgment and commitment as follows: Defendant delivered on  
 ..... to .....

Defendant noted appeal on. ....

Defendant released on. ....

**1.1(3) Form of subpoena.**

STATE OF IOWA—NATIONAL GUARD

SUBPOENA

STATE OF IOWA SS

COUNTY OF

The State of Iowa to .....

You are hereby commanded to appear before the .....  
 (General—Special—Summary) Court-Martial at. ....

in ..... , Iowa, at 9:00 o'clock a.m. on the ..... day of  
 ....., 19 ....., to give evidence in a case between the State of  
 Iowa, Plaintiff, and ..... , Defendant, on the part of the  
 said ..... and this you shall in nowise omit, under penalty of the law.

Witness my hand hereunder affixed at. .... , Iowa this .....day  
 of ..... , 19 .....

(Summary Court Officer—President)

RETURN

I received the within subpoena the ..... day of ....., 19 .....,  
 and served the same on the following witnesses by reading and showing the original to each of them and  
 delivering to each of them a copy thereof; all done in .....  
 County, Iowa.

BY: .....

Deputy

**1.1(4)** *Form of subpoena—duces tecum.*

SUBPOENA—DUCES TECUM

STATE OF IOWA .....COUNTY, SS.

The State of Iowa to. ....

You are hereby commanded to appear before the ..... Court-Martial of the State of Iowa, at 9:00 o'clock a.m. on the ..... day of ..... 19, to give evidence in a case between the State of Iowa, Plaintiff, and. ...., Defendant, on the part of said ..... and that you have then with you ..... and this you shall in nowise omit, under penalty of the law.

Dated this ..... day of ....., 19 .....

RETURN

Received the within subpoena the ..... day of ....., 19 ....., and served the same on the following witnesses by reading and showing the original to each of them and delivering to each of them a copy thereof; all done in ..... County, Iowa.

BY: .....

Deputy

[Editorial change: IAC Supplement 12/1/21]

These rules are intended to implement Iowa Code chapter 29B.

[Filed 8/6/63; amended 11/27/65]

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[Filed emergency 8/5/91—published 8/21/91, effective 8/21/91]

[Editorial change: IAC Supplement 12/1/21]



CHAPTER 2  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES  
[Prior to 8/21/91, see Public Defense Department[650] Ch 2]  
[Prior to 12/1/21, see Military Division[611] Ch 2]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**601—2.1(17A,22) Definitions.** As used in this chapter:

“*Agency.*” In lieu of the words “(official or body issuing these rules)”, insert “department of public defense”.

“*Custodian.*” Delete “agency” and insert “adjutant general”.

“*Federal records*” means all records, documents, tape, or other information, stored or preserved in any medium, the maintenance, use, or disclosure of which is governed by federal government law or regulation.

“*Records*” or “*state records*” means all or part of a “public record” as defined in Iowa Code section 22.1 but does not include federal records as here defined.

[Editorial change: IAC Supplement 12/1/21]

**601—2.3(17A,22) Requests for access to records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.9(17A,22) Disclosures without the consent of the subject.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.10(17A,22) Routine use.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.11(17A,22) Consensual disclosure of confidential record.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.12(17A,22) Release to subject.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.13(17A,22) Availability of records.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

**601—2.14(17A,22) Personally identifiable information.** This rule describes the nature and extent of personally identifiable information which is collected, maintained, and retrieved by the agency by personal identifier in record systems as defined in rule 2.1(17A,22). For each record system, this rule describes the legal authority for the collection of that information, the means of storage of that information and indicates whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system. The record systems maintained by the agency are:

**2.14(1)** Quartermaster supply records prepared under the authority of Iowa Code sections 29A.19 and 7A.30. Request for examination of these records which are retrievable by personal identifier will be directed to the Office of the State Quartermaster, Camp Dodge. Records are maintained on AGO Form 1-5 for hard copy and computer generated files.

**2.14(2)** Purchase and disposition of real property records, prepared under the authority of Iowa Code chapter 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Real estate records are available in hard copy format.

**2.14(3)** Armory board minutes including supporting documentation are prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

**2.14(4)** Armory lease records including supporting documentation are prepared under the authority of Iowa Code section 29A.57. Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

**2.14(5)** Headquarters allowance and per capita allowance records and documentation for expenditures made from these accounts are prepared under the authority of Iowa Code sections 29A.33 and 29A.57(8). Records are available from the State Quartermaster, Warehouse #3, Camp Dodge. Records are maintained in hard copy format.

**2.14(6)** State contracting files prepared under the authority of Iowa Code section 72.1 which include personally identifiable information in the form of bidders lists, requests for quotation, professional contracts, vendors lists, wage rates, purchase orders, claim orders, and project books. Sealed bids become public information once the bid opening has been completed. The information is maintained in hard copy and may be obtained from the Facilities Office, Camp Dodge.

**2.14(7)** Personnel files. The agency maintains files containing information about state employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

[Editorial change: IAC Supplement 12/1/21]

**601—2.15(17A,22) Federal records.** Pursuant to Iowa Code section 22.9, the department of public defense finds that maintenance, use or disclosure of federal records described in this subsection, except as allowed by federal law and regulation, would result in denial to the agency of United States government funds, services and essential information that would otherwise definitely be available and have in the past been available to the agency. Iowa Code section 29A.5 provides that the Iowa National Guard shall be subject to the provisions of federal laws and regulations. Applicable federal laws and regulations include: 32 U.S.C. 105 (providing that Army National Guard records shall be kept in accordance with Title 32 of the United States Code), 32 U.S.C. 108 (providing that federal funds may be barred from a state national guard where compliance with Title 32 is not maintained), 5 U.S.C. 552 stating the manner in which federal records shall be made available to the public, and Air Force regulation 12-35 (June 3, 1985), Army Regulation 340-21 (July 5, 1985), National Guard Regulation 340-17 and Air National Guard Regulation 12-30 (all of which relate to maintenance and public availability of federal records). Copies of the regulations may be obtained at the cost of reproduction from the office of the Adjutant General, Camp Dodge, 7700 Northwest Beaver Drive, Johnston, Iowa 50131-1902.

**2.15(1)** The department of public defense maintains the following categories of federal records, the maintenance of which is governed by federal law and regulation:

*a.* Personnel records. This category contains biographical, medical, and career development data on civilian and military personnel who are employed by the federal government.

*b.* Fiscal records. This category contains the record of service for pay, allowances, and retirement on civilian and military personnel who are employed by the federal government. It further includes budget and financial data required for audit purposes.

*c.* Training records. This category contains the training activities, accomplishments, and objectives of units, and personnel civilian and military who are employed by the federal government.

*d.* Legal files. This category contains legal assistance records, claims and litigation against the United States, contracts review, and attorney work product.

*e.* Inspector general files. This category contains records of evaluation of units, personnel assistance, and recommendations of the office of the inspector general.

*f.* Operations records. This category contains information on the movement of personnel and equipment to meet the mission requirements of the Army and Air Force.

*g.* Equipment maintenance records. This category contains the functional or repair status of military equipment maintained by the Army and Air National Guard.

*h.* Procurement record. This category contains a history of acquisition goods and services by the United States Property and Fiscal Office at Camp Dodge.

*i.* Equipment inventories. This category contains a record of property accounts for all federal equipment issued to the Iowa Air or Army National Guard.

*j.* Publications library. This category contains federal publications, regulations, directives and pamphlets which provide procedural guidance for the operations and activities of the Iowa National Guard.

The federal records described in paragraphs “*a*” to “*e*” above, contain personally identifiable information compiled under the authority of Iowa Code chapter 29A and Title 32 United States Code, Section 105, and implementing regulations. A more comprehensive description of the above noted federal records is contained in Air Force Regulation 12-50, “Disposition of Air Force Records,” and Department of the Army regulations 340-18, “The Army Functional File System.”

[Editorial change: IAC Supplement 12/1/21]

**601—2.16(17A,22) Other groups of records.** This rule describes groups of records maintained by the agency other than record systems defined in rule 2.1(17A,22). These records are routinely available to the public. However, the agency’s files of these records may contain confidential information, as discussed in rule 2.13(17A,22). In addition, the records may contain information about individuals.

**2.16(1)** Rule making. Rule-making records may contain information about individuals making written or oral comments on proposed rules. This information is collected pursuant to Iowa Code section 17A.4. This information is not stored in an automated data processing system.

**2.16(2)** Publications. News releases, literature, reports, newsletters from various military associations or from the federal government are available from the public affairs officer, department of public defense. Agency news releases, project reports and newsletters may contain information about individuals, including agency staff or members of agency committees. This information is not retrieved by individual identifier and is not currently stored on an automated data processing system.

**2.16(3)** All other records that are not exempted from disclosure by law.

[Editorial change: IAC Supplement 12/1/21]

**601—2.17(17A,22) Data processing systems.** Data processing systems used by this agency do not permit the comparison of personally identifiable information in one record system with personally identifiable information in another system.

[Editorial change: IAC Supplement 12/1/21]

**601—2.18(17A,22) Applicability.** Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026.

These rules are intended to implement Iowa Code chapter 22 and section 29A.12.

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